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2615	15

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/002,600

Applicant(s)
Wugofski

Examiner
Christopher Onuaku

Art Unit
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Aug 13, 2001

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1, 2, 4-13, 15-17, 20, 21, 24, and 26 is/are pending in the application

4a) Of the above, claim(s) _____ is/are withdrawn from consideration

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1, 2, 4-13, 15-17, 20, 21, 24, and 26 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-2,4-10&26 have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant's arguments filed 8/13/01 with respect to claims 11-13,15-17, 20-21&24 have been fully considered but they are not persuasive.

With respect to claim 11, applicant argues that the only user input Young appears to use in determining its five-minute warning is the user input for scheduling a recording, that is, setting the recording time, and that there is no indication in Young that the time for issuing the five-minute warning is based on both a recording time and user input regarding a recording reminder. Examiner disagrees. Claim 11 as pointed out by the applicant cites a) means for scheduling the recording device to begin automatic recording of the one program at a recording time (see col.7, line 60 to col.8, line 3, wherein Young discloses program selection and scheduling; b) means for receiving user input regarding a recording reminder (see CPU 110 of Fig.3) and c) means for determining a recording reminder time for at least one program based on the recording time and the user input regarding the recording reminder. Young discloses in col.15, lines 20-27 that the default schedule mode, for example, allows a user to create a weekly reminder calendar (examiner

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considers creating a weekly reminder calendar, for example, as user input regarding recording reminder), wherein the reminder process will set an alarm if the TV is not ON before a certain time before the start of the program. The recording reminder time is clearly based on the recording time and the user input regarding recording reminder, since the user firstly creates a weekly reminder calendar, and based on that reminder calendar, an alarm is generated some time before the recording time.

Applicant's arguments with respect to claims 17,21&24 are similar to the applicant's arguments with respect claim 11. Therefore, examiner's response to applicant's arguments with respect to claim 11 applies to the applicant's arguments with respect to claims 17, 21, and 24.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11,13,17,21&24 are rejected under 35 U.S.C. 102(b) as being anticipated by Young et al (US 4,706,121).

Regarding claim 11, Young discloses in Fig.3, 4&4b an electronic system and process which receives the schedule information in broadcast form and then processes the schedule information to make the selections and a system that will enable a user to program a video

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cassette recorder (VCR) for unattended operation by making a simple selection from a menu, including computerized system (see col.21, line 65 to col.22, line 26), comprising:

a) scheduling a data recording for the recording device, with the data recording to begin at a recording time (see Abstract and also col.7, line 60 to col.8, line 3);

b) receiver for receiving one or more channel signals, each carrying one or more programs (see col.7, line 33 to col.8, line 22).

c) a recording device, coupled to the receiver, for automatic recording one of the programs (see VCR 150; col.7, line 60 to col.8, line 22);

d) means for receiving user input regarding a recording reminder time (see CPU 110; col.7, line 60 to col.8, line 22);

e) means for determining a recording reminder time for at least the one program based on the recording time and the user input regarding the recording reminder (see col.15, lines 20-27);

f) an outputting device for outputting a reminder signal at the recording reminder time before the recording device initiates automatic recording of the one program (see col.20, lines 40-65);

g) means for causing the recording device to begin automatic recording of the one program independently of the determined recording reminder time (see col.20, lines 40-65).

Regarding claim 13, Young discloses wherein the output device comprises a computer and a display (see CPU 110 and video display generator 136; col.7, line 60 to col.8, line 22)

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Regarding claim 17, Young discloses in Fig.3,4&4b an electronic system and process which receives the schedule information in broadcast form and then processes the schedule information to make the selections and a system that will enable a user to program a video cassette recorder (VCR) for unattended operation by making a simple selection from a menu, including computerized system (see col.21, line 65 to col.22, line 26), the method comprising:

a) receiving user input at least partially determinative of a recording reminder time for a scheduled automatic data recording, with the recording reminder time preceding a time of the scheduled automatic data recording by an amount of time based on the user input (see col.7, line 60 to col.8, line 3; col.15, lines 20-27; and col.20, lines 40-65), at the time the user sets a reminder determines how long the monitoring of the reminder process by the system lasts before recording begins. For example, assuming the reminder is set at 2:00 pm by a user input for a program scheduled to record at 10:00 pm, then the monitoring then lasts from 2:00 pm to 10:00 pm, and if, on the other hand, the reminder is set at 1:00 pm, by the user input, for a program scheduled to record at 8:00 pm, the monitoring lasts from 1:00 pm to 8:00 pm;

b) outputting a recording reminder signal at a time based on the recording reminder time, before the recording device initiates automatic execution of the scheduled data recording (see col.20, lines 40-65).

Regarding claim 21, the claimed limitations of claim 21 are accommodated in the discussions of claim 17 above.

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Regarding claim 24, the claimed limitations of claim 24 are accommodated in the discussions of claim 11 above, including the additional limitation of receiving "two or more reminder-time inputs"(see at least col.7, line 60 to col.8, line 22); here the user can schedule for recording more than one desired program, with each of the desired programs having its own different reminder time since the selected programs may run at different times.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 8-¹⁰11, 13, 17, 21, 24 & 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US 4,706,121) in view of Ellis et al (US 6,275,268).

Regarding claim 1, Young discloses in Fig.3,4&4b an electronic system and process which receives the schedule information in broadcast form and then processes the schedule information to make the selections and a system that will enable a user to program a video cassette recorder (VCR) for unattended operation by making a simple selection from a menu, including computerized system (see col.21, line 65 to col.22, line 26), the method comprising:

a) scheduling a data recording for the recording device, with the data recording to begin at a recording time (see Abstract and also col.7, line 60 to col.8, line);

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b) receiving user input at least partially determinative of a recording reminder time for the scheduled recording (see col.7, line 60 to col.8, line 3; col.15, lines 20-27);

c) outputting a recording reminder signal at a time based on the recording reminder time, before the recording device initiates automatic execution of the scheduled data recording (see col.20, lines 40-65).

Young discloses the method of receiving user input at least partially determinative of a recording reminder time for the scheduled recording (see the discussions above). Young fails to explicitly disclose the method of receiving user input at least partially determinative of a recording reminder time for the scheduled recording, with the user input being non-determinative of the recording time.

Ellis et al teach in Fig.1,13&14 an electronic program schedule system which provides a user with schedule information for broadcast or cablecast programs viewed by the user on a television receiver, wherein if while viewing program schedule information for a future time in BROWSE mode, the user depresses the ENTER key on the remote controller 31, the microcontroller 16 will instruct the video display generator (VDG) 23 to display a REMINDER overlay message 130 (see Fig.13) which queries the user as to whether the system should remind the user, at a predetermined time before the start of a scheduled program that the user would like to view the scheduled program. If the user responds affirmatively, the microcontroller 16 stores reminder data consisting of at least the channel, time and day of the selected program in a reminder buffer, which contains similar schedule information for all programs for which the user

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has set a reminder. At a predetermined time before the selected program start time, for example, five minutes, the microcontroller 16 will retrieve schedule information, including title and service, based on the reminder data, and will instruct the VDG 23 to display a REMINDER 140 on the television receiver 27 to remind the user that the user previously set a reminder to watch the selected program. The REMINDER message 140 contains the channel, service and start time. It also displays the number of minutes before the time of airing of the particular show and updates the display every minute until the time of airing (see microcontroller 16 and VDG 23 of Fig.1, and col.15, lines 17-57).

Automatic reminding the user of previously set reminder to view (or record) a selected program provides the desirable advantage of preventing the user from failing to view (or record) a program for which the viewer had previously set a reminder.

It would have been obvious to further modify Young by realizing Young with the means to automatically remind the user of previously set reminder to view a a program for which the viewer had previously set a reminder, as taught by Ellis, since this provides the desirable advantage of preventing the user from failing to view a program for which the viewer had previously set a reminder.

Ellis teaches the principle of automatically reminding a viewer of a previously set reminder, for example, to view a program for which the viewer had previously set a reminder. It would have been obvious, therefore, to apply similar principle to automatically remind a user, of the modified Young system, of a previously set reminder, for example, to record a program for

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which the viewer had previously set a reminder, since this also would provide the desirable advantage of preventing the user from failing to record a program for which the user had previously set a reminder.

Regarding claim 2, Young discloses the method wherein scheduling a data recording for the recording device occurs before receiving input at least partially determinative of a recording reminder (see col.15, lines 20-27).

Regarding claim 8, Young discloses the method wherein scheduling the data recording includes communicating a recording instruction to the computerized system, and wherein the method further comprises calculating and storing the recording reminder time based on at least the user input and at least a portion of the recording instruction before outputting the "reminder" signal (see col.21, line 65 to col.22, line 26).

Regarding claim 9, Young discloses the method wherein the recording instruction includes a channel identifier, a start time, and an end time (see col.14, lines 9-15; col.14, lines 55-66).

Regarding claim 10, Young discloses wherein outputting a reminder signal at the predetermined time before the time of the data recording includes comparing a system time to the recording reminder time (see col.20, lines 40-65).

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Regarding claim 26, Young discloses determining the recording reminder time based on the received user input, with the recording reminder time preceding the recording time for the scheduled recording by an amount of time based on the received user input (see col.20, lines 40-65), at the time the user sets a reminder determines how long the monitoring of the reminder process by the system lasts before recording begins. For example, assuming the reminder is set at 2:00 pm by a user input for a program scheduled to record at 10:00 pm, then the monitoring then lasts from 2:00 pm to 10:00 pm, and if, on the other hand, the reminder is set at 1:00 pm, by the user input, for a program scheduled to record at 8:00 pm, the monitoring lasts from 1:00 pm to 8:00 pm.

7. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Ellis and further in view of Hoff (US 5,467,197).

Regarding claim 4, Young and Ellis fail to explicitly disclose the method wherein the recording reminder signal comprises outputting a message to a network communication device associated with at least one user of the computerized system. Hoff teaches the method wherein outputting the recording "reminder" signal comprises outputting message to a network communication device associated with at least one user of the computerized system (see col. 10, line 29 to col. 11, line 48). It would have been obvious to one of ordinary skill to further modify Young by realizing Young with the means to output reminder messages to a network

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communication device, as taught by Hoff, which would increase the capability of Young thereby making Young more commercially attractive.

Regarding claim 5, Young and Ellis fail to disclose wherein outputting the reminder signal comprises outputting a message concerning the scheduled recording to a pager. Hoff teaches the method wherein outputting the "reminder" signal comprises outputting a message concerning the scheduled recording to a pager (see col.3, lines 23-27, and col.5, lines 29-45).

It would have been obvious to one of ordinary skill in the art to further modify Young by realizing Young with the means to output reminder messages concerning the scheduled recording to a pager, as taught by Hoff, which would further increase the capability of Young, thereby making Young even more commercially attractive.

Regarding claim 6, Hoff teaches the method wherein outputting the reminder signal includes outputting a verbal message, a textual message, or an audible tone(see col.5, lines 29-45). It would have been obvious to further modify Young by realizing Young with the means wherein outputting the reminder signal includes outputting a verbal message, a textual message, or an audible tone in order to output reminder signals including a verbal message, a textual message, or an audible tone would make the reminder signal more quickly heard or observed, as the case may be.

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8. Claims 12&15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Hoff (US 5,467,197).

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claim 4 above.

Regarding claim 15, the claimed limitations of claim 15 are accommodated in the discussions of claim 6 above.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Ellis and further in view of Strubbe et al (US 5,047,867).

Regarding claim 7, Young and Ellis fail to explicitly disclose the method wherein outputting a reminder signal includes outputting a message concerning recording media, but which Strubbe teaches in col.6, lines 25-49. Including a message concerning recording media in outputting a reminder signal makes eliminates, for example, the possibility of using a recording medium with insufficient recording room to record a scheduled program, thereby running the risk of losing some valuable part of a program to be recorded. It would have been obvious to one of ordinary skill in the art to add a message concerning recording media in the output reminder signal, as taught by Strubbe, since this would eliminates, for example, the possibility of using a recording medium with insufficient recording room to record a scheduled program, thereby running the risk of losing some valuable part of a program to be recorded.

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10. Claims 16&20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Strubbe et al (US 5,047,867).

Regarding claims 16&20, Young and Ellis fail to explicitly disclose the method wherein outputting a reminder signal includes outputting a message concerning recording media, but which Strubbe teaches in col.6, lines 25-49. Including a message concerning recording media in outputting a reminder signal makes eliminates, for example, the possibility of using a recording medium with insufficient recording room to record a scheduled program, thereby running the risk of losing some valuable part of a program to be recorded. It would have been obvious to one of ordinary skill in the art to add a message concerning recording media in the output reminder signal, as taught by Strubbe, since this would eliminates, for example, the possibility of using a recording medium with insufficient recording room to record a scheduled program, thereby running the risk of losing some valuable part of a program to be recorded.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

12. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

and (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service whose telephone number is (703) 306-0377.

COO

10/10/01


WENDY R. GARBER
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